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June 3, 2014

VIA ECF

Magistrate Judge James Orenstein
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Phoenix Beverages, Inc. et al. v. Exxon Mobil Corporation et al.*, C.A. 12-CV-03771 (PKC) (JO)

Dear Magistrate Judge Orenstein:

This firm represents Third-Party Defendant Emhart Teknologies LLC ("Emhart") in the above-entitled matter. Emhart was among the third-party defendants that joined in the recent submission to the Court of the proposed First Amended Case Management and Scheduling Order ("Order") now under consideration by your Honor. Although its alleged liability in this matter is *de minimis* under any analysis of the facts, Emhart agreed to the approach embodied in the proposed Order in furtherance of the effective management of this complex litigation and to lighten the administrative burden of all parties concerned.

Since the time it agreed to join with the other third-party defendants in submitting to the Court the proposed Order, it has been asserted by at least one other third-party defendant that a potential conflict may exist, and that Emhart must resolve this alleged potential conflict before it may participate with either of the currently-established liaison counsel groups. Accordingly, at this time, Emhart is unaffiliated with either of the liaison groups.

Emhart is making a good faith effort to move as quickly as possible to determine if the alleged state of affairs actually presents a potential conflict, and upon resolution will move promptly to consider whether it makes sense for it to affiliate with either of the current liaison counsel groups. However, for the time being, Emhart has submitted this letter to put the Court and all parties on notice of its current status.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jerome C. Muys, Jr.", written over a horizontal line.

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Cc: Counsel of Record (via ECF)